

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 9825

IN THE MATTER OF:

Served August 11, 2006

Application of SIMON & MIRIAM)	Case No. AP-2006-141
CORPORATION for a Certificate of)	
Authority -- Irregular Route)	
Operations)	

By application accepted for filing August 7, 2006, Simon & Miriam Corporation, a District of Columbia entity, seeks a certificate of authority for irregular route operations in vehicles with a seating capacity of less than 16 persons only, including the driver.

Applicant proposes commencing operations with one van. Applicant proposes operating under a tariff containing rates for Medicaid transportation.

Applicant's comptroller, Mr. Alex Ojo, also serves as the comptroller of Nur Corporation, (Nur), which has applied for a certificate of authority in Case No. AP-2006-140. In addition, applicant shares the same street address with Nur.

The Compact states that a carrier or any person controlling, controlled by, or under common control with a carrier shall obtain Commission approval to acquire control of another carrier that operates in the Metropolitan District through ownership of its stock or other means.¹ Approval may be granted if the Commission finds the acquisition is consistent with the public interest.² The public interest analysis focuses on the fitness of the acquiring party, the resulting competitive balance, and the interest of affected employees.³

Applicant will be directed to file a statement explaining the relationship between applicant and Nur and explaining the anticipated effect on competition and employees if common control is approved.

This proceeding is hereby initiated to determine whether applicant is fit and whether the proposed transportation and common control are consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than August 25, 2006, notice in the form prescribed by the staff of the Commission.

¹ Compact, tit. II, art. XII, § 3(a)(iii).

² Compact, tit. II, art. XII, § 3(c).

³ Act of Sept. 15, 1960, Pub. L. No. 86-794, § 3, 74 Stat. 1031, 1050 (1960) (codified at DC CODE ANN. § 9-1103.04 (2006)); *In re Capital City Coach, Inc.*, No. AP-05-32, Order No. 8752 (June 1, 2005); *In re Sunny's Executive Sedan Service Inc.*, No. AP-2002-145, Order No. 7124 (Apr. 9, 2003); *In re Capital City Limo., Inc.*, No. AP-95-09, Order No. 4552 (Mar. 31, 1995).

2. That applicant shall file with the Commission, no later than September 8, 2006, an affidavit that notice has been published as required in the preceding paragraph.

3. That applicant shall file with the Commission, no later than September 8, 2006, a statement explaining the relationship between applicant and Nur Corporation and explaining the anticipated effect on competition and employees if common control is approved.

4. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing is September 8, 2006, and that copies must be served on applicant's comptroller, Alex Kunle Ojo, 8806 Admiral Drive, Laurel, MD 20708.

FOR THE COMMISSION:

A handwritten signature in dark ink, appearing to read 'W. S. Morrow, Jr.', written in a cursive style.

William S. Morrow, Jr.
Executive Director